



THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
100 CHURCH STREET  
NEW YORK, NY 10007

JAMES E. JOHNSON  
*Corporation Counsel*

W. KEAUPUNI AKINA  
*Senior Counsel*  
phone: (212) 356-2377  
fax: (212) 356-3509  
wakina@law.nyc.gov

May 21, 2020

**VIA ECF**

Honorable John G. Koeltl  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: Dr. Rachel Wellner v. City of New York et al.,  
16-CV-7032 (JGK) (JLC)

Your Honor:

I am a Senior Counsel in the Office of James E. Johnson, Corporation Counsel of the City of New York, and one of the attorneys representing defendants in the above-referenced matter. Defendants write to respectfully request that trial<sup>1</sup> in this matter be adjourned from September 17, 2020 to December 14, 2020. If December 14, 2020 is not convenient for the Court, the parties are also available November 30, 2020. Plaintiff's counsel consents to this request.

By way of background, trial in this matter was previously scheduled for July 20, 2020. (ECF No. 241, 243.) On April 20, 2020, after issuing several similar orders, the Southern District of New York issued Standing Order 20-MC-197 suspending all jury trials until further notice in light of health concerns related to COVID-19. On April 24, 2020, the parties jointly requested that, in light of that Standing Order, the Court accordingly adjourn all pre-trial submission deadlines and the final pretrial conference *sine die*. (ECF No. 244.) On April 27, 2020, the Court stayed this case until July 31, 2020 and set new deadlines in this case. (ECF No. 235.) Currently, pretrial submissions are due July 31 2020; responses and objections are due August 14, 2020; the final pre-trial conference is scheduled for September 10, 2020; and the parties shall be ready for trial upon 72 hours' notice on September 17, 2020. (*Id.*)

---

<sup>1</sup> This is the second trial in this matter, with the first trial being held on April 15, 2019 – April 26, 2019.

An adjournment of the September 17, 2020 trial date is requested because it coincides with the annual United Nations General Assembly (“UNGA”), which is currently scheduled for September 15-30 of this year. UNGA is traditionally a demanding period on the NYPD in terms of people resources as the NYPD must provide security for the large number of heads of state and other attendees gathering in New York City. As a result, officers from across the City, including those at the individual defendants’ current command, will be required to work extended hours throughout this time period in order to provide the additional security required by the UNGA. This Office typically receives a request later in the year from the NYPD to cancel or limit activities that would take officers away from their commands or security details during the UNGA. Currently, there does not appear to be any plan to cancel the UNGA despite COVID-19.

Counsel for both parties have conferred and are available to commence trial on December 14, 2020. The reason for this lengthier request is that the individual defendant officers will be out on scheduled leave between October 18 and November 4 at various periods of time such that a trial would be impractical. Unfortunately, this leave was scheduled in 2019 and cannot be adjusted. Plaintiff’s counsel will also be unavailable during this time, and have indicated they are scheduled to commence a trial on October 26, 2020, which will probably last at least three weeks. If December 14, 2020 is not convenient for the Court, the parties are also available November 30, 2020.

In light of the foregoing, defendants respectfully request that the September 17, 2020 trial date be adjourned to December 14, 2020.

The defendants thank the Court for its consideration of this request.

Respectfully submitted,

/s/ W. KeAupuni Akina

W. KeAupuni Akina  
Senior Counsel

cc: All counsel of record (via ECF)

Pretrial submissions are due October 16, 2020.  
Responses and objections are due October 30, 2020.  
The final pretrial conference will be held on November 23, 2020.  
Trial date is set for November 30, 2020.  
SO ORDERED.

New York, NY  
May 25, 2020

/s/ John G. Koeltl

John G. Koeltl  
U.S.D.J.